

# HARNESS, DICKEY & PIERCE, P.L.C.

Attorneys and Counselors

P.O. Box 8910

Reston, Virginia 20195

Phone: 703-668-8000

Fax: 703-668-8200

Troy, MI • St. Louis, MO

RECEIVED  
CENTRAL FAX CENTER

SEP 10 2007

DATE: September 10, 2007

NO. OF PAGES (INCLUDING THIS PAGE):

14 pages

FOR: Examiner Valarie E. Bertoglio

COMPANY: USPTO

FAX NO.: 571-273-8300

PHONE:

ORIGINAL WILL FOLLOW BY:

☐ REGULAR MAIL

☐ OVERNIGHT MAIL

☐ COURIER

☒ WILL NOT FOLLOW

FROM: John A. Castellano

Please let us know by phone or fax if you do not receive any of these pages.

## COMMENTS:

### Certificate of Facsimile Transmission

Application No.: 10/759,268

Group Art Unit: 1632

Filing Date: January 20, 2004

Examiner: Valarie E. Bertoglio

Applicant: Huai-Jen TSAI

Title: RECOMBINANT PLASMID EXPRESSING TWO FLUORESCENCE  
GENES

Attorney Docket: 8964-000009/US

I hereby certify that the papers itemized below are being facsimile transmitted to the Patent and Trademark Office on September 10, 2007 to facsimile number 571-273-8300.

AMENDMENT (12 pages)  
FEE TRANSMITTAL (1 page)

John A. Castellano

### \*\*\* NOTICE \*\*\*

The information contained in this telefax transmission is intended only for the individual to whom or entity to which it is addressed. It may also contain privileged, confidential, attorney work product or trade secret information which is protected by law. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering the message to the addressee, the reader is hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address above via the U.S. Postal Service. We will reimburse you for any reasonable expense (including postage) for the return of the original message.

<b>FEE TRANSMITTAL for FY 2006</b>		<i>Complete if Known</i>	
<i>Effective 2/19/2004. Patent fees are subject to annual revision.</i>		Application Number	10/759,288
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	January 20, 2004
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 510		First Named Inventor	Hui-Jen TSAI
		Examiner Name	Valerie E. Bertoglio
		Art Unit	1632
		Attorney Docket No.	8964-000009/US

**RECEIVED  
CENTRAL FAX CENTER  
SEP 10 2007**

<b>METHOD OF PAYMENT</b> (check all that apply)		<b>FEE CALCULATION</b> (continued)																																																																																																																																																													
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		<b>3. ADDITIONAL FEES</b> Large Entity   Small Entity																																																																																																																																																													
<input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 08-0750 Deposit Account Name: Harness, Dickey & Pierce, PLC		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>85</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>00</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>1020</td><td>2253</td><td>510</td><td>Extension for reply within third month</td><td>510</td></tr> <tr><td>1254</td><td>1,580</td><td>2254</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,180</td><td>2255</td><td>1080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1500</td><td>2453</td><td>750</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1462</td><td>400</td><td>1462</td><td>400</td><td>Petition fee under 37 CFR 1.17(f)</td><td></td></tr> <tr><td>1453</td><td>200</td><td>1483</td><td>200</td><td>Petition fee under 37 CFR 1.17(g)</td><td></td></tr> <tr><td>1484</td><td>130</td><td>1484</td><td>130</td><td>Petition fee under 37 CFR 1.17(h)</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17 (q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>790</td><td>2809</td><td>395</td><td>Filing a submission after final rejection (37 CFR § 1.128(a))</td><td></td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (37 CFR § 1.128(b))</td><td></td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination (RCE)</td><td></td></tr> </tbody> </table>		Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	1051	130	2051	85	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	120	2251	00	Extension for reply within first month		1252	450	2252	225	Extension for reply within second month		1253	1020	2253	510	Extension for reply within third month	510	1254	1,580	2254	795	Extension for reply within fourth month		1255	2,180	2255	1080	Extension for reply within fifth month		1401	500	2401	250	Notice of Appeal		1402	500	2402	250	Filing a brief in support of an appeal		1403	1000	2403	500	Request for oral hearing		1452	500	2452	250	Petition to revive - unavoidable		1453	1500	2453	750	Petition to revive - unintentional		1462	400	1462	400	Petition fee under 37 CFR 1.17(f)		1453	200	1483	200	Petition fee under 37 CFR 1.17(g)		1484	130	1484	130	Petition fee under 37 CFR 1.17(h)		1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.128(a))		1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.128(b))		1801	790	2801	395	Request for Continued Examination (RCE)	
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																										
1051	130	2051	85	Surcharge - late filing fee or oath																																																																																																																																																											
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																											
1053	130	1053	130	Non-English specification																																																																																																																																																											
1812	2,520	1812	2,520	For filing a request for reexamination																																																																																																																																																											
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																											
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																											
1251	120	2251	00	Extension for reply within first month																																																																																																																																																											
1252	450	2252	225	Extension for reply within second month																																																																																																																																																											
1253	1020	2253	510	Extension for reply within third month	510																																																																																																																																																										
1254	1,580	2254	795	Extension for reply within fourth month																																																																																																																																																											
1255	2,180	2255	1080	Extension for reply within fifth month																																																																																																																																																											
1401	500	2401	250	Notice of Appeal																																																																																																																																																											
1402	500	2402	250	Filing a brief in support of an appeal																																																																																																																																																											
1403	1000	2403	500	Request for oral hearing																																																																																																																																																											
1452	500	2452	250	Petition to revive - unavoidable																																																																																																																																																											
1453	1500	2453	750	Petition to revive - unintentional																																																																																																																																																											
1462	400	1462	400	Petition fee under 37 CFR 1.17(f)																																																																																																																																																											
1453	200	1483	200	Petition fee under 37 CFR 1.17(g)																																																																																																																																																											
1484	130	1484	130	Petition fee under 37 CFR 1.17(h)																																																																																																																																																											
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)																																																																																																																																																											
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																											
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																											
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.128(a))																																																																																																																																																											
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.128(b))																																																																																																																																																											
1801	790	2801	395	Request for Continued Examination (RCE)																																																																																																																																																											
<b>1. BASIC FILING FEE</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1011</td><td>300</td><td>2011</td><td>150</td><td>Utility filing fee</td><td></td></tr> <tr><td>1012</td><td>200</td><td>2012</td><td>100</td><td>Design filing fee</td><td></td></tr> <tr><td>1013</td><td>200</td><td>2013</td><td>100</td><td>Plant filing fee</td><td></td></tr> <tr><td>1014</td><td>300</td><td>2014</td><td>150</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>200</td><td>2005</td><td>100</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="5" style="text-align: right;"><b>SUBTOTAL (1)</b> (\$) 0</td></tr> </tbody> </table>		Large Entity	Small Entity	Fee Description	Fee Paid	1011	300	2011	150	Utility filing fee		1012	200	2012	100	Design filing fee		1013	200	2013	100	Plant filing fee		1014	300	2014	150	Reissue filing fee		1005	200	2005	100	Provisional filing fee		<b>SUBTOTAL (1)</b> (\$) 0					<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>2</td><td>-20**</td><td>0</td><td>0</td></tr> <tr><td>2</td><td>-4**</td><td>0</td><td>0</td></tr> <tr><td colspan="4">Multiple Dependent</td></tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202</td><td>50</td><td>2202</td><td>25</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>200</td><td>2201</td><td>100</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>360</td><td>2203</td><td>180</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>200</td><td>2204</td><td>100</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>50</td><td>2205</td><td>25</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr><td colspan="5" style="text-align: right;"><b>SUBTOTAL (2)</b> (\$) 0</td></tr> </tbody> </table>		Total Claims	Extra Claims	Fee from below	Fee Paid	2	-20**	0	0	2	-4**	0	0	Multiple Dependent				Large Entity	Small Entity	Fee Description	Fee Paid	1202	50	2202	25	Claims in excess of 20		1201	200	2201	100	Independent claims in excess of 3		1203	360	2203	180	Multiple dependent claim, if not paid		1204	200	2204	100	** Reissue independent claims over original patent		1205	50	2205	25	** Reissue claims in excess of 20 and over original patent		<b>SUBTOTAL (2)</b> (\$) 0																																																																		
Large Entity	Small Entity	Fee Description	Fee Paid																																																																																																																																																												
1011	300	2011	150	Utility filing fee																																																																																																																																																											
1012	200	2012	100	Design filing fee																																																																																																																																																											
1013	200	2013	100	Plant filing fee																																																																																																																																																											
1014	300	2014	150	Reissue filing fee																																																																																																																																																											
1005	200	2005	100	Provisional filing fee																																																																																																																																																											
<b>SUBTOTAL (1)</b> (\$) 0																																																																																																																																																															
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																																																												
2	-20**	0	0																																																																																																																																																												
2	-4**	0	0																																																																																																																																																												
Multiple Dependent																																																																																																																																																															
Large Entity	Small Entity	Fee Description	Fee Paid																																																																																																																																																												
1202	50	2202	25	Claims in excess of 20																																																																																																																																																											
1201	200	2201	100	Independent claims in excess of 3																																																																																																																																																											
1203	360	2203	180	Multiple dependent claim, if not paid																																																																																																																																																											
1204	200	2204	100	** Reissue independent claims over original patent																																																																																																																																																											
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent																																																																																																																																																											
<b>SUBTOTAL (2)</b> (\$) 0																																																																																																																																																															
<b>4. SEARCH/EXAMINATION FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1111</td><td>500</td><td>2111</td><td>250</td><td>Utility Search Fee</td><td></td></tr> <tr><td>1112</td><td>100</td><td>2112</td><td>50</td><td>Design Search Fee</td><td></td></tr> <tr><td>1113</td><td>300</td><td>2113</td><td>150</td><td>Plant Search Fee</td><td></td></tr> <tr><td>1114</td><td>500</td><td>2114</td><td>250</td><td>Reissue Search Fee</td><td></td></tr> <tr><td>1311</td><td>200</td><td>2311</td><td>100</td><td>Utility Examination Fee</td><td></td></tr> <tr><td>1312</td><td>130</td><td>2312</td><td>65</td><td>Design Examination Fee</td><td></td></tr> <tr><td>1313</td><td>160</td><td>2313</td><td>80</td><td>Plant Examination Fee</td><td></td></tr> <tr><td>1314</td><td>600</td><td>2314</td><td>300</td><td>Reissue Examination Fee</td><td></td></tr> <tr><td colspan="6" style="text-align: right;"><b>SUBTOTAL (4)</b> (\$) 510</td></tr> </tbody> </table>		Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	1111	500	2111	250	Utility Search Fee		1112	100	2112	50	Design Search Fee		1113	300	2113	150	Plant Search Fee		1114	500	2114	250	Reissue Search Fee		1311	200	2311	100	Utility Examination Fee		1312	130	2312	65	Design Examination Fee		1313	160	2313	80	Plant Examination Fee		1314	600	2314	300	Reissue Examination Fee		<b>SUBTOTAL (4)</b> (\$) 510						Other fee (specify) _____ *Reduced by Basic Filing Fee Paid <b>SUBTOTAL (3)</b> (\$) 510																																																																																																	
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																										
1111	500	2111	250	Utility Search Fee																																																																																																																																																											
1112	100	2112	50	Design Search Fee																																																																																																																																																											
1113	300	2113	150	Plant Search Fee																																																																																																																																																											
1114	500	2114	250	Reissue Search Fee																																																																																																																																																											
1311	200	2311	100	Utility Examination Fee																																																																																																																																																											
1312	130	2312	65	Design Examination Fee																																																																																																																																																											
1313	160	2313	80	Plant Examination Fee																																																																																																																																																											
1314	600	2314	300	Reissue Examination Fee																																																																																																																																																											
<b>SUBTOTAL (4)</b> (\$) 510																																																																																																																																																															

<b>SUBMITTED BY</b>		<i>Complete (if applicable)</i>	
Name (Print/Type)	John A. Castaldi	Registration No. (Attorney/Agent)	25,054
Signature		Telephone	703-568-8000
		Date	September 10, 2007

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SEP 10 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Huai-Jen TSAI CONF. NO: 6868  
SERIAL NO: 10/759,268 GROUP: 1632  
FILED: January 20, 2004 EXAMINER: Valarie F. BERTOGLIO  
FOR: RECOMBINANT PLASMID EXPRESSING TWO FLUORESCENCE GENES  
DOCKET NO: 8964-000009/US

**AMENDMENT**

September 10, 2007

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314  
**Mail Stop Amendment**

Dear Sir:

Responsive to the Office Action ("Action") dated March 8, 2007, the following remarks are respectfully submitted in connection with the above-referenced application. Applicant hereby requests a three-month extension of time for reply on or before September 8, 2007. It is noted that September 8, 2007 is a Saturday therefore the present response submitted on September 10, 2007 is timely under the present petition.

**Amendment to the Specification** begins on page 2 of this paper.

**Amendments to the Claims** begin on page 3 of this paper.

**Remarks** begin on page 5 of this paper.

	Independent Claims	Total Claims
Claims Previously Paid For	4	20
Claims After Amendment	2	2
Excess Claims	0	0